

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GARY FRAZIER a/k/a WILLIAM  
POWELL,

Plaintiff,

v.

PHILADELPHIA PRISON SOCIETY,  
MAYOR OF PHILA, and  
COMMISSIONER OF PRISON,

Defendants.

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CIVIL ACTION NO. 19-1762

**ORDER**

**AND NOW**, this 6th day of May, 2019, after considering the application for leave to proceed *in forma pauperis* and complaint filed by the *pro se* plaintiff, Gary Frazier a/k/a William Powell (Doc. Nos. 1, 2); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 1) is **GRANTED** and the plaintiff has leave to proceed *in forma pauperis*;
2. The complaint (Doc. No. 2) is **DEEMED** filed;
3. The complaint is **DISMISSED WITHOUT PREJUDICE** for the failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii);
4. The plaintiff has leave to file an amended complaint within thirty (30) days of the date of this order if he can state a plausible claim for relief against a proper defendant. Any individual or entity that is not listed in the caption of the amended complaint will not be treated as a defendant. Any amended complaint must be a complete document that describes in detail the

basis for the plaintiff's claims against each defendant. If the plaintiff files an amended complaint, the clerk of court shall not make service until so ordered by this court;

5. The clerk of court is **DIRECTED** to send the plaintiff a copy of this court's form complaint to be used by a *pro se* individual filing a civil action. The plaintiff may use this form to prepare his amended complaint; and

6. If the plaintiff fails to file an amended complaint in accordance with paragraph 4 of this order, the court will dismiss this case without prejudice for failure to prosecute without further notice.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.